

OCT 29 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

JORGE MORALES SOSA,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-71209

INS No. A75-666-348

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 7, 2003**
Pasadena, California

Before: **KOZINSKI** and **T.G. NELSON**, Circuit Judges, and **RESTANI**,^{***}
Judge.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*** The Honorable Jane A. Restani, United States Court of International Trade, sitting by designation.

Jorge Morales Sosa, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") dismissal of his appeal from an immigration judge's ("IJ") order of voluntary departure. We deny the petition.

The BIA's dismissal was proper because Sosa waived his right to appeal during proceedings before the IJ and did not demonstrate that his waiver was invalidated by prejudice resulting from ineffective assistance of counsel. See United States v. Velasco-Medina, 305 F.3d 839, 848 (9th Cir. 2002).

PETITION DENIED.